IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.2444 OF 2005

Shri Murlidhar Vinayak Deo : Petitioner

(Original Disputant)

V/s.

Shree Sadguru Jangli Maharaj Sah.

Bank Ltd. & Ors. : Respondents

...

Mr.P.S.Dani for the petitioner.

None present for the respondent.

...

CORAM : S.A. BOBDE, J.

October 5, 2005.

P.C.:

1. The petitioner has challenged the order dated 9.12.2004 refusing to entertain a reference for arbitration of a dispute for decision under section 96 of the Maharashtra Co-operative Societies Act, 1960, hereinafter referred to as the "Act". The petitioner appears to have raised a dispute in respect of recovery certificate issued to him by the respondent-society. The Co-operative Court has rightly come to the conclusion that the petitioner has a remedy to challenge the certificate

in accordance with law i.e. by way of a revision under section 154 of the Act.

2. Mr.Dani, the learned counsel for the petitioner, submitted that the petitioner has raised a plea which could not have been gone into by the Registrar under section 101. I see no error of law apparent on the face of the impugned order. The petitioner may raise such grounds, as may be advised, in revision. The revision shall be decided, in accordance with law, including the ground raised by the petitioner in para 10 of the dispute that he had not executed any agreement, promissory note, mortgage deed or any other document in favour of the Bank regarding the alleged loan.

3. In the result, the Writ Petition is dismissed.

S.A. BOBDE, J.